

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

IN RE ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL 2327
THIS DOCUMENT RELATES TO ALL CASES	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**MOTION TO AMEND “RESPONSE OF DEFENDANTS TO ‘PLAINTIFFS’ MOTION
TO CLARIFY AND AMEND PTO #17 AND PLAINTIFF LEADERSHIP COUNSEL’S
POSITION ON DEFENDANTS’ MOTIONS FOR SANCTIONS””**

Defendants, Ethicon, Inc. and Johnson & Johnson (collectively “Ethicon”), by counsel, pursuant to the provisions of Fed. R. Civ. Pro. 15(a)(2), move this Court for an Order granting Ethicon leave to amend its “Response of Defendants to ‘Plaintiffs’ Motion to Clarify and Amend PTO #17 and Plaintiff Leadership Counsel’s Position on Defendants’ Motions for Sanctions” (“Ethicon’s Response”). Ethicon states the following grounds for this Motion:

1. Ethicon’s Response [ECF No. 1571] was filed on May 27, 2015. Thereafter, Ethicon discovered that the third sentence on the last page of Ethicon’s Response incorrectly stated that “Ethicon withdrew its Motion in *Slater* . . .” when in fact the Motion had not been withdrawn. ECF No. 1571, Page ID# 19054.

2. Attached to this Motion as “Motion Ex. A” is the “Amended Response of Defendants to ‘Plaintiffs’ Motion to Clarify and Amend PTO #17 and Plaintiff Leadership Counsel’s Position on Defendants’ Motions for Sanctions.” (“Amended Response”). The

proposed amendment to Ethicon's Response removes the incorrect assertion that the Motion for Sanctions had been withdrawn and rewrites that third sentence of the last page of Ethicon's Response [ECF No. 1571, Page ID #19054] as follows:

"In *Slater* (Case No. 2:13-cv-17608), Ms. Slater's counsel demonstrated she had attempted to serve her PPF upon Ethicon, but erroneously served the PPF of another plaintiff. Ethicon declined to withdraw its Motion at counsel's request because the attempted service was made 521 days after the PPF was due."

WHEREFORE, Ethicon requests the Court to enter an Order granting Ethicon leave to amend the Ethicon Response by filing the Amended Response attached as Motion Ex. A.

*Defendants Ethicon, Inc. and
Johnson & Johnson,*

By Counsel

/s/ David B. Thomas

David B. Thomas (W.Va. Bar #3731)
Thomas Combs & Spann PLLC
300 Summers Street
Suite 1380 (25301)
P.O. Box 3824
Charleston, WV 25338
(304) 414-1800
dthomas@tcspllc.com